



**US Army Corps
of Engineers®**
New England District

Maine Project Office
675 Western Ave., #3
Manchester, Maine 04531

PUBLIC NOTICE

Date: OCTOBER 8, 2002
Comment Period Ends: NOVEMBER 8, 2002
File Number: 200103135
In Reply Refer To: Peter Tischbein
Or by e-mail: peter.tischbein@usace.army.mil

CHRISTOPHER PAGE, P.O. BOX 372, HYANNIS PORT, MASSACHUSETTS 02647 has requested a Corps of Engineers permit under Section 10 of the Rivers and Harbors Act of 1899, and Section 404 of the Clean Water Act to perform dredging in an unnamed cove on the southwest side of Lasell Island in the West Penobscot Bay, Maine as shown on the attached plans and described as follows:

The purpose of the project is to provide greater water access and depths for pleasure and fishing vessels. The applicant proposes to dredge by mechanical means approximately 39,000 cubic yards of sand and silt from an irregularly shaped area measuring 112,000 square feet to a depth of -10' mean low water with -1 foot of over-dredge. The dredged material will be disposed of at the Rockland Disposal Site as shown on the attached plan. The dredged material has undergone physical and chemical analysis. It is our preliminary determination that the material is acceptable for disposal at this disposal site.

The dredging portion of this project will impact approximately 112,000 SF of Essential Fish Habitat (EFH). (See attached sheet for list of species and life stages). Habitat at this site can be described as subtidal soft-bottom composed of sand, silt and clay. In addition, loss of this habitat includes disruption of an area of approximately 22,000 sq. ft. of eelgrass. The applicant proposes to mitigate this impact by relocating this eelgrass to another portion of project area once dredged. Impacts to these species and habitat is expected to be minimal since no new construction is proposed: no floats will rest or otherwise impact the bottom at low water: and fish passage through the area is still available. The District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

This project is located on the USGS North Haven West, Maine quadrangle sheet at coordinates 044°11'37.7"N and 068°57'42.1"W.

In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. Comments should be submitted in writing by the above date. If you have any questions, please contact Peter Tischbein at (207) 623-8367 or at the address noted above.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

**SEE NEXT PAGE FOR
DETAILS OF EVALUATION FACTORS**

David H. Killoy, P.E., C.P.G
Chief, Permits & Enforcement Branch C, Regulatory Div.

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity in the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties listed in, or eligible for listing in, the National Register of Historic Places, and no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.

Pursuant to the Endangered Species Act, the District Engineer is hereby requesting that the appropriate Federal Agency provide comments regarding the presence of and potential impacts to listed species or its critical habitat.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice.

The following authorizations have been applied for, or have been, or will be obtained:

- ☒ (X) Permit, License or Assent from State.
- ☐ () Permit from Local Wetland Agency or Conservation Commission.
- ☒ (X) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved Coastal Zone Management Programs. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

If you would prefer not to continue receiving public notices, please check here ☐ () and return this portion of the public notice to: U.S. Army Corps of Engineers – New England District, ATTN: Regulatory Branch, 696 Virginia Road, Concord, MA 01742-2751.

NAME:

ADDRESS:

Summary of Essential Fish Habitat (EFH) Designation

10' x 10' Square Coordinates:

Boundary	North	East	South	West
Coordinate	44° 20.0' N	68° 50.0' W	44° 10.0' N	69° 00.0' W

Square Description (i.e. habitat, landmarks, coastline markers): Gulf of Maine waters within the square within East and West Penobscot Bay affecting the following: from Northport, ME., to Ducktrap Harbor affecting most of Ducktrap Harbor, southwest of Northport, ME., Seven Hundred Acre Isle, the southern part of Islesboro Island, Islesboro Harbor, Seal Harbor, and the north tip of North Haven Island (Webster Head). The waters within this square also affect the following: Mark I., East Goose Rock, Saddle I., Goose I., Mouse I., Lasell I., Lime I., Egg Rock, Egg Rock Ledge, Compass I., Compass I. Ledge, Grass Ledge, Little Spruce Head, Horsehead I., Resolution I., Colt Head I., Head of the Capes, Ensign I., Haddock Ledge, Gilkey Harbor, Thrumbcap, Dark Harbor, Cradle Cove, Minot I., Crow Cove, Islesboro Harbor, Ames Cove, Broad Cove, Spruce I., Warren I., Seal I., Flat I., Seal Harbor, Hewes Ledge, Biscuit Ledge, Philbrook Cove, Joes Rock; Gull Pt., Hewes Pt., Gooseberry Pt., Grindel Pt., Keller Pt., and Sherman Pt. on Islesboro I., along with Great Spruce Head , south of Northport, ME., which is on the mainland of Maine.

Species	Eggs	Larvae	Juveniles	Adults
Atlantic salmon (<i>Salmo salar</i>)			X	X
Atlantic cod (<i>Gadus morhua</i>)		X	X	X
haddock (<i>Melanogrammus aeglefinus</i>)				X
pollock (<i>Pollachius virens</i>)			X	
whiting (<i>Merluccius bilinearis</i>)			X	X
offshore hake (<i>Merluccius albidus</i>)				
red hake (<i>Urophycis chuss</i>)			X	X

white hake (<i>Urophycis tenuis</i>)			X	X
redfish (<i>Sebastes fasciatus</i>)	n/a			
witch flounder (<i>Glyptocephalus cynoglossus</i>)				
winter flounder (<i>Pleuronectes americanus</i>)	X	X	X	X
yellowtail flounder (<i>Pleuronectes ferruginea</i>)	X	X		
windowpane flounder (<i>Scophthalmus aquosus</i>)	X	X	X	X
American plaice (<i>Hippoglossoides platessoides</i>)	X	X	X	X
ocean pout (<i>Macrozoarces americanus</i>)	X	X	X	X
Atlantic halibut (<i>Hippoglossus hippoglossus</i>)				
Atlantic sea scallop (<i>Placopecten magellanicus</i>)	X	X	X	X
Atlantic sea herring (<i>Clupea harengus</i>)		X	X	X
monkfish (<i>Lophius americanus</i>)				
bluefish (<i>Pomatomus saltatrix</i>)			X	X

long finned squid (<i>Loligo pealei</i>)	n/a	n/a		
short finned squid (<i>Illex illecebrosus</i>)	n/a	n/a		
Atlantic butterfish (<i>Peprilus triacanthus</i>)				
Atlantic mackerel (<i>Scomber scombrus</i>)			X	X
summer flounder (<i>Paralichthys dentatus</i>)				
scup (<i>Stenotomus chrysops</i>)	n/a	n/a		
black sea bass (<i>Centropristus striata</i>)	n/a			
surf clam (<i>Spisula solidissima</i>)	n/a	n/a		
ocean quahog (<i>Artica islandica</i>)	n/a	n/a		
spiny dogfish (<i>Squalus acanthias</i>)	n/a	n/a		
tilefish (<i>Lopholatilus chamaeleonticeps</i>)				
bluefin tuna (<i>Thunnus thynnus</i>)				X